

## **REMARKS**

### **Information Disclosure Statement**

Examiner Gibson is thanked for considering the initial Information Disclosure Statement and the associated Form 1449 and the first supplemental Information Disclosure Statement and associated Form 1449. On sheets 1 of 5 and 2 of 5 of Form 1449 associated with the initial Information Disclosure Statements, the U.S. Patent Documents were initialed, but the Other References were not. Although the Applicant is under the assumption that the Examiner has considered these references, it is respectfully requested that the Examiner provide a copy of sheets 1 of 5 and 2 of 5 with the Other References initialed.

### **Prior Art Rejections**

Claims 1-5, 7, 11, 22-27, 29, 30-33, 36-44, and 52-64 were rejected under 35 U.S.C. 102 as being anticipated by E.P. Publication No. 0744598 to Welvaarts (hereinafter "Welvaarts"). Claims 12-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,874,692 to Carruth et al. in view of Welvaarts.

Welvaarts relates to a WEIGHING APPARATUS. Welvaarts discloses a load cell 2 mounted on a frame 1 by bolts 3. A bore 4 is formed in a free end of load cell 2, in which a dish-shaped means 5 is disposed. A ball 6 is confined between dish-shaped means 5 and another dish-shaped means 7 supported on ball 6. Dish-shaped means 7 is screwed into a threaded bore which is formed in a sleeve-shaped means 8. The inner circumference of sleeve-shaped means 8 and a side of a wall 9 facing the inside of sleeve-shaped means 8 are spaced from the outer circumference of the end of load cells 2, and the space thus formed is filled by a connecting piece 10 consisting of a resilient material.

Sleeve-shaped means 8 and wall 9 form part of an auxiliary frame, on which a load to be weighed may be placed. At least a larger part of the load to be weighed, which is applied in vertical direction, will be transmitted to load cell 2 via dish 7, ball 6, and dish 5. Any forces applied in a direction deviating from the vertically downward direction will be transmitted to the load cell 2 via the confined resilient connecting piece 10, whereby said connecting piece will also prevent undesirable large movements of auxiliary frame 8, 9 with respect to load cell 2 and/or frame 1.

Claim 1 requires and Welvaarts fails to teach or disclose the combination including "...a space being defined between the stud and the mount to permit relative movement between the stud and the mount ..." The alleged space of Welvaarts is filled in by

connecting piece 10. As stated in Welvaarts, “the space thus formed is filled by a connecting piece 10...” Welvaarts, col. 2, line 41. Thus, once connecting piece 10 and pressure force indicator 2 are assembly, as shown in Fig. 1, there is no such space in Welvaarts. Claims 2-11 depend from claim 1. Claims 1-11 are believed to be in condition for allowance. Such allowance is respectfully requested.

Claim 12 requires and the suggested combination of Welvaarts and Carruth fails to teach or disclose the combination including “a resilient liner positioned in the bore of the mount between the stud and the mount to transfer all force between the stud and the mount” which is consistent with the specification. As described in the last paragraph of column 2 of page 2 of Welvaarts, connecting piece 10 does not transfer all force between load cell 2 and sleeve-shaped means 8. As stated in Welvaarts, “at least the larger part of the load to be weighed, which is applied in a vertical direction, will be transmitted to the pressure force indicator 2 via dish 7, ball 6 forming the pressure-force transmitting means, and dish 5.” Welvaarts, column 2, lines 55-59. Dish 7, ball 6, and dish 5 transmit “at least the larger part of the load” between sleeve-shaped means 8 and load cell 2. Therefore, connecting piece 10 cannot transfer all force between sleeve-shaped means 8 and load cell 2, but only some portion, if any, of such force. Claims 12-21 are believed to be in condition for allowance. Such allowance is respectfully requested.

Claim 22 requires and Welvaarts fails to teach or disclose the combination including a “resilient member positioned between the load cell and the mount to transmit all force between the load cell and the mount ....” As discussed above, connecting piece 10 of Welvaarts does not transmit all force between load cell 2 and sleeve-shaped means 8. Claims 24 and 25 depend from claim 22. Claims 22, 24, and 25 are believed to be in condition for allowance. Such allowance is respectfully requested.

Independent claim 23 requires and Welvaarts fails to teach or disclose the combination including “...a resilient member positioned between the load cell and the mount to transmit all force between the load cell and mount.” As discussed above, connecting piece 10 of Welvaarts does not transmit all force between load cell 2 and sleeve-shaped means 8. Claims 52-58 depend from claim 23. Claims 23 and 52-58 are believed to be in condition for allowance. Such allowance is respectfully requested.

Amended claim 26 requires and Welvaarts fails to teach or disclose the combination including “a space being provided between the load cell and mount to permit horizontal movement of the load cell relative to the mount...” As discussed above, there is no such space in Welvaarts. Claims 27, 29-31, and 33 depend from claim 26. Claims 26, 27,

29-31 and 33 are believed to be in condition for allowance. Such allowance is respectfully requested.

Independent claim 36 requires and Welvaarts fails to teach or disclose the combination including “a stud...having a circular portion, the circular portion being spherical, and a resilient member positioned between the circular portion and the mount to transmit force between the circular portion and the mount.” The Examiner has not suggested which, if any, structure of Welvaarts teaches a resilient member positioned between a circular portion and the mount to transmit force between the circular portion and the mount. Claim 37 depends from claim 36. Claims 36 and 37 are believed to be in condition for allowance. Such allowance is respectfully requested.

Claim 40 requires and Welvaarts fails to teach or disclose the combination including “...weigh frame adapted to support the weight of a patient, a mattress supported on the weigh frame, and a load cell apparatus positioned between the intermediate frame and the weigh frame to support the weigh frame on the intermediate frame, the load cell apparatus including a load cell coupled to the weigh frame, a mount coupled to the intermediate frame...” In the claim, the weigh frame is supported on the intermediate frame. In Welvaarts, frame 1 supports pressure force indicator 2 which supports sleeve-shaped means 8 and wall 9. Thus, the auxiliary frame of Welvaarts (formed in part by sleeve-shaped means 8 and wall 9) cannot be considered the claimed intermediate frame and frame 1 cannot be considered the claimed weigh frame because the auxiliary frame does not support frame 1. Note that claimed load cell is coupled to the weigh frame and the claimed mount is coupled to the intermediate frame. Claims 41-43 depend from claim 40. Claims 40-43 are believed to be in condition for allowance. Such allowance is respectfully requested. For the sake of clarity, in the previous response, Claim 40 was erroneously characterized as “Previously Presented,” but should have been characterized as “Currently Amended.”

Independent claim 44 requires and Welvaarts fails to teach or disclose the combination including a “...circular portion,...the liner being positioned under the circular portion.” On page 4 of the Official Action, the Examiner points to Figure 2 of Welvaart that “shows a bolt 11 and a circular bearing 6;...” However, Figure 2 of Welvaarts does not teach a liner positioned under a circular portion as required by claim 44. Connecting piece 10 shown in Figure 2 of Welvaarts is not positioned under either bolt 11 or circular bearing 6. Claims 63-65 depend from claim 44. Claims 44 and 63-65 are believed to be in condition for allowance. Such allowance is respectfully requested.

### Allowable Claims

The allowance of claims 28, 34, 35, and 45-51 is acknowledged. Claims 6, 8, and 65 remain as dependent claims.

### Finality of the Official Action

The Applicant notes that claims 7, 10, 21, and 32 were rejected for the first time in the most recent Official Action. These claims were objected to as being dependent upon rejected base claims, but otherwise allowable if rewritten in independent form in the Official Action mailed January 26, 2004. Because of the finality of the most recent Official Action, the Applicant has not been given the opportunity to address these rejections in a response not subject to the rules of finality. Thus, the Applicant respectfully requests that the finality of the action be removed.

### Appeal

To enable the Applicant to better respond to any potential remaining rejections on appeal, the Applicant respectfully requests that the Examiner provide additional specificity for the rejection of the dependent claims. Without undue speculation or otherwise, the Applicant is unable to find support for the Examiner's rejection of at least claims 5, 7, 8, 10, 11, 13, 17-21, 24, 25, 27, 31, 37-39, 42, 52, 54, 55, 58, 60, 61, and 63 in addition to the comments made above regarding the independent claims.

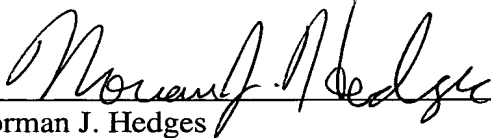
### Final Remarks

Claims 1-65 are believed to be in condition for allowance. Such allowance is respectfully requested.

If necessary, please consider this a Petition for Extension of Time to effect a timely response. Please charge any additional fees or credits to the account of Bose McKinney & Evans, LLP Deposit Account No. 02-3223. In the event that there are any questions related to these amendments or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned.

Respectfully submitted,

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